

**REMARKS**

Favorable reconsideration of this application in light of the preceding amendments and the following remarks is respectfully requested.

No claims having been cancelled or added, the Applicants respectfully submit that claims 1-38 remain pending in this application and further, in light of the Applicants prior election, claims 12-14, 18-28 and 32-38 have been withdrawn from consideration by the Examiner. Accordingly, the Applicants submit that claims 1-11, 15-17 and 29-31 remain under consideration in this application.

The Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the USPTO. Action Summary at 12.

**Rejections Under 35 U.S.C. § 112**

Claims 3, 15-17 and 29-31 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite with respect to the definition of the tri-block polymer and with respect to dependencies from method claims. The Applicants respectfully submit that the amendments above to claims 3, 5, 14 and 28 are sufficient to overcome this objection.

The Applicants, therefore, request that this rejection be reconsidered and withdrawn accordingly.

**Rejections Under 35 U.S.C. § 102(b)**

Claim 1 is rejected under 35 U.S.C. § 102(b) as anticipated by Lee et al.'s 2002 journal article entitled *Effects of Nonionic Surfactants on Oxide-to-Polysilicon Selectivity during Chemical Mechanical Polishing* ("Lee"). Action at pages 2-3. The Applicants traverse this rejection.

The Applicants note that Lee is directed to nonionic polymer surfactants having a minimum molecular weight of 100,000 grams/mole. The Applicants further note that Lee reports that the best selectivity was achieved with the highest molecular weight surfactants, 8,000,000 grams/mole. The Applicants note, however, that the nonionic surfactants defined in the pending claims exhibit molecular weights that do not exceed 5000 grams/mole and, in some instances, are below 1000 grams/mole. Accordingly, the Applicants contend that Lee does not disclose, teach or suggest each limitation of claim 1, as amended, and does not, therefore, anticipate or obviate claim 1.

The Applicants request that this rejection be reconsidered and withdrawn accordingly.

**Obligations under Rule 56**

The Applicants acknowledge their obligations under 37 C.F.R. § 1.56 with regard to the inventorship of the claims remaining in the application in light of the Applicants' previous election. The Applicants, however, submit that no correction of inventorship is warranted by the withdrawal and/or cancellation of the method claims.

**Rejections Under 35 U.S.C. § 103(a)**

Claims 3-10 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Lee for the reasons provided in connection with the previous rejection of claim 1. The Applicants traverse this rejection.

As discussed above, the Applicants contend that Lee does not teach or suggest nonionic surfactants that have molecular weights below 100,000 grams/mole, *i.e.*, more than 20 times the largest of the tri-block polymers and polymer alcohols identified in the pending claims. Accordingly, the Applicants contend that Lee does not disclose, teach or suggest the limitations of claims 3-10, and does not, therefore, support a rejection under 35 U.S.C. § 103(a).

The Applicants request that this rejection be reconsidered and withdrawn accordingly.

Claims 1-11, 15-17 and 29-31 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Yoshida et al.'s Japanese Patent No. 10-102,040 ("Yoshida") for the reasons detailed in the Action at pages 6-7. The Applicants traverse this rejection.

The Applicants respectfully contend that Yoshida's use of a nonionic surfactant in a CMP slurry cannot fairly be said to teach or suggest to one of ordinary skill in the art the use of the specific classes of nonionic surfactants encompassed by the pending claims. Absent some specific teaching with regard to the properties of the nonionic surfactants used by Yoshida, there is simply nothing in the disclosure that could fairly be characterized as sufficient to lead one of ordinary skill in the art to the claimed compounds. Accordingly, the Applicants contend that Lee

does not disclose, teach or suggest the limitations of claims 1-11, 15-17 and 29-31 , and does not, therefore, support a rejection under 35 U.S.C. § 103(a).

The Applicants request that this rejection be reconsidered and withdrawn accordingly.

### **Amendments to the Claims**

The Applicants submit that the amendments to claims 3 and 5 reflected above are supported by the tri-block polymer formulae illustrated in the claims as originally filed including, for example, formula III and formula IV in claim 14. The Applicants also submit that the amendments to presently withdrawn claims 14 and 28 reflected above are supported by the composition claims as originally filed and, as amended, provide proper antecedent bases for their dependent claims 15-17 and 29-31. The Applicants, therefore, submit that claims 14 and 18, as amended, are consistent with the Applicants' previous election and should be considered on the merits. The Applicants submit, therefore, that these claim amendments do not constitute new matter and should be entered accordingly.

### **CONCLUSION**

An early indication of the allowability of each of claims 1-11, 15-17 and 29-31 in connection with the present application is earnestly solicited.

For all of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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